

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY BIGGS,

Petitioner, No. CIV S-04-1169 FCD GGH P

VS.

ARNOLD SCHWARZENEGGER,

Respondent. ORDER

Petitioner is a state prisoner proceeding through counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the 2002 decision by the Board of Prison Terms (BPT) finding him unsuitable for parole.

On May 1, 2006, petitioner filed a status report stating that on December 28, 2005, the BPT found him eligible for parole. On June 7, 2006, petitioner filed a status report in CIV S-1439 FCD GGH P stating that on May 23, 2006, Governor Schwarzenegger reversed the grant of parole.¹

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¹ Judicial notice may be taken of court records. Valerio v. Boise Cascade Corp., 80 F.R.D. 626, 635 n.1 (N.D. Cal. 1978), aff'd, 645 F.2d 699 (9th Cir.), cert. denied, 454 U.S. 1126 (1981).

1 Because Governor Schwarzenegger reversed the 2005 decision by the BPT
2 finding petitioner suitable for parole, petitioner shall show cause within twenty days from the
3 date of this order why the instant action should not be dismissed as moot.

4 Accordingly, IT IS HEREBY ORDERED that within fifteen days of the date of
5 this order, petitioner shall show cause why this instant action should not be dismissed as moot.

6 DATED: 9/20/06

7 /s/ Gregory G. Hollows

8 GREGORY G. HOLLOWNS
9 UNITED STATES MAGISTRATE JUDGE

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